

MARGARET WALLACE

IBLA 80-714

Decided August 18, 1980

Appeal from decision of California State Office, Bureau of Land Management, rejecting application for recreation and public purposes. CA 8307.

Appeal dismissed.

1. Appeals--Rules of Practice: Appeals: Dismissal--Rules of Practice:
Appeals: Statement of Reasons

A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed.

2. Appeals--Rules of Practice: Appeals: Dismissal--Rules of Practice:
Appeals: Statement of Reasons

Where appellant's allegations on appeal are immaterial and irrelevant and appellant fails to establish any error in the decision below or any infringement of appellant's rights, the appeal is properly dismissed as lacking in merit.

APPEARANCES: Margaret Wallace, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Margaret Wallace has appealed from the June 6, 1980, decision of the California State Office, Bureau of Land Management (BLM), which rejected her application CA 8307 for lots 8, 9, 10, 15, and 16, sec. 12, T. 2 S., R. 1 W., San Bernardino meridian, San Bernardino County, California, filed under the Recreation and Public Purposes Act, 43 U.S.C. § 869 (1976). The application recited the land was sought

for purposes of education and recreation. The rejection was made because the land sought had been withdrawn for inclusion in the San Bernardino National Forest by Presidential Proclamation No. 1750 of September 30, 1925.

Lands within national forests do not fall within the class of public lands to which the Recreation and Public Purposes Act applies, 43 U.S.C. § 869(c) (1976).

Appellant does not show any error in the BLM decision, but only reiterates a desire to obtain the land described in her application. 1/

[1] A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed. Duncan Miller, 29 IBLA 174 (1977).

[2] Where appellant's allegations on appeal are immaterial and irrelevant and appellant fails to establish any error in the decision below or any infringement of appellant's rights, the appeal is properly dismissed as lacking in merit. Duncan Miller, 33 IBLA 83 (1977).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Douglas E. Henriques
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

James L. Burski
Administrative Judge

1/ The record does not establish that Ms. Wallace is qualified to obtain benefits under the Recreation and Public Purposes Act, supra.

